

REMARKS

Claims 11-13 and 15-23 are pending in the application. Claims 11-13 and 15-23 are rejected under 35 USC 103(a) as being unpatentable over US patent 6,298,319 (Heile et al.) in view of US patent 6,106,662 (Hoskins et al.).

Claims 18 and 19 are amended as supported in paragraph 16, lines 25-30 of the substitute specification. No new matter has been added. Claims 11-13 and 15-23 are presented for examination. References to Applicants' specification herein are relative to the substitute specification. References to "the Office Action" refer to the action of 05 February 2009.

Response to rejections under 35 USC 103(a)

Applicant appreciates Examiner's responses to the arguments of 06 January 2009.

Regarding the independent claims 18, 19, and 23: In the Office Action on page 10, Examiner cites Heile col. 8, line 35-50 ( FIG 3) as teaching saving of references on the programming device, wherein the references indicate which project design blocks are to be copied from the library to the programming device. However the cited lines and FIG 3 only teach a system 100 with a global database 110 and local databases 114, 120, 126 in connected workspaces 102, 104, 106, and 108.

Also on page 10 Examiner correlates Heile's assignment records (484, 488, and 490 of FIG 12) with Applicant's references (18a-e) on each programming device that indicate which project design blocks are to be copied from the library to the programming device. However, this correspondence does not hold. See Heile col. 16, lines 33 to col. 18, line 33, including the excerpt below:

*"Assignment information may also be shared in the context of a PLD design project using an embodiment of the present invention. Assignment information may take a wide variety of forms. By way of example, an assignment uses a hierarchical path to specify a particular piece of logic within the PLD design and to give some named attribute a value. For example, an assignment may be of the form: "/TOP/A/D/flip-flop X/set turbo=ON". "*

It is clear from the above that the term "assignment" is used in Heile in the context of a computer programming assignment statement such as "A = 100". Such assignment statements give a named attribute (i.e. a variable) a value. This use of the term is defined in Heile under the heading "Sharing of Assignment Information". Heile's assignment records are shared, copied, locked, updated, and created by engineers in the same way as project source files (110, 114, 120, and 126 of FIG 1). They are themselves design blocks, and are not used like Applicant's references (18a-e) to list the source files 110 needed on a given programming device.

Regarding the independent claims 18, 19, and 23: In section 4 of the Office Action, Examiner asserts that Heile's automatic updating of project design records during development of program logic corresponds to Applicant's operational data transfer between part projects. However, Heile's updates occur during project development, not during operation of the process control system. Such design updating is not an "operational data transfer" as described in the following lines of Applicant:

*Applicant's par. 16, lines 25-30: "Furthermore, the part projects Tp 1 and Tp 3 , the part projects Tp 1 and Tp 2 and the part projects Tp 2 and Tp 4 are functionally linked, this being indicated in FIG. 1 by means of arrows. For example, the part projects Tp 2 and Tp 4 are functionally linked such that batch data of the programmable controllers AG 2 , AG 3 are to be exported to the operating and observation stations OS 2 , OS 3 or such that connection data are to be transferred between the programmable controller AG 1 and the operating and observation station OS 1 ."*

Regarding claims 13, 17 and 22: In section 5 of the Office Action, Examiner asserts that Heile's FIGs 8 and 13 teach the following claim element: *"the at least one project design block on each local programming device is replaced by the corresponding project design block stored in the library if and only if the user request is accepted by the users of all programming devices."* Examiner bases this assertion on a Heile user selecting a default state for a file, knowing (theoretically) that in this state updates will automatically occur. However, this teaching does not meet the subject claim element, which requires notification of each user about an update, and requires acceptance by each user before the update is applied to any local

copy of the file. In contrast, Heile's method is a blank check to update automatically by default. Applicant's method allows and requires all users, not just those with a default state, to approve an update before it is applied to any user. Claims 17 and 22 specifically require user input at each programming device to indicate acceptance of an update. Such case-by-case approval is not provided by Heile's automatic updates.

Furthermore, if a Heile user has a file in an owned state (270 or 272); this file is not automatically updated because it is not in the default state. Such a user is not required to approve an update or to even be made aware of it.

Regarding par. 6 of the Office Action, the above arguments with respect to paragraph 5 apply. Examiner asserts that the method of Heile enhances and preserves synchronization among the users. On the other hand, Examiner recognizes that if a Heile user does not want automatic updates such user may check-out a file using the "owned-read-only-state". However, this state guarantees loss of synchronization at the next automatic update, because the global workspace and all users with the default state will be updated, while the owned-read-only-state files will not. This loss of synchronization cannot happen in Applicant's claimed method.

Hoskins does not address the above deficiencies of Heile, so the proposed combination does not support the 35 USC 103 rejections.

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Conclusion

M.P.E.P. 2143.03 provides that to establish prima facie obviousness of a claimed invention, all words in a claim must be considered in judging the patentability of that claim against the prior art. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.

As argued above, the proposed combination lacks features claimed in the independent claims and others herein. Thus the proposed combination does not support the obviousness rejections of the claimed invention. Applicants feel this application is in condition for allowance, which is respectfully requested.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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